

Message Text

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ACTION DLOS-06

INFO OCT-01 IO-13 ISO-00 FEA-01 ACDA-10 AGR-10 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-02 COME-00 DODE-00

DOT-00 EB-07 EPA-04 ERDA-07 FMC-02 TRSE-00 H-02

INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-02

OES-06 OMB-01 PA-02 PM-04 PRS-01 SP-02 SS-15 USIA-15

SAL-01 AF-08 ARA-10 EA-09 EUR-12 NEA-10 /190 W

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P 132111Z SEP 76

FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 9121

UNCLAS USUN 3693

FROM LOS DEL

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: COMMITTEE II - INFORMAL NEGOTIATING GROUP ON DELIMITATION
OF THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE,
AND CONTINENTAL SHELF BETWEEN ADJACENT AND OPPOSITE
(ARTS. 14, 62, 71) SEPT. 8-9

1. GENERAL DEBATE ON THE DELIMITATION OF THE TERRITORIAL SEA,
EXCLUSIVE ECONOMIC ZONE, AND THE CONTINENTAL SHELF BETWEEN
OPPOSITE AND ADJACENT STATES ENSUED DURING THE TWO INFORMAL
MEETINGS OF COMMITTEE II ON SEPTEMBER 8-9. DEBATE CENTERED
PRIMARILY AROUND ARTS. 62 AND 71, PARAS. 1 AND 3, WITH THOSE
FAVORING THE MEDIAN LINE AS THE PRIMARY METHOD OF DELIMITATION
OPPOSING THE RSNT AND WITH THOSE FAVORING EQUITY OR SPECIAL
CIRCUMSTANCES SUPPORTING THE RSNT.

2. CANADA PROPOSED NEW PARAGRAPH 1 FOR ART. 62 TO CORRECT
QUOTE IMBALANCE UNQUOTE PROPOSED TEXT WAS AS FOLLOWS: QUOTE THE
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DELIMITATION OF THE EXCLUSIVE ECONOMIC ZONE BETWEEN ADJACENT

AND OPPOSITE STATES SHALL BE EFFECTED BY AGREEMENT EMPLOYING AS A GENERAL RULE, THE MEDIAN OR EQUIDISTANCE LINE, TAKING INTO ACCOUNT SPECIAL CIRCUMSTANCES, WHERE JUSTIFIED, IN ORDER TO REACH AN EQUITABLE RESULT UNQUOTE CANADIANS INDICATED THAT THEY MAY PROPOSE AN ALTERNATIVE TO THE EXISTING TEXT OF ART. 62(3). CANADIAN PROPOSAL WAS TOPIC OF DISCUSSION DURING BOTH DAYS OF DEBATE. CANADIANS WERE GENERALLY SUPPORTED (DIRECTLY OR IMPLICITLY) BY CHILE, JAPAN, CYPRUS, CUBA, ITALY, SWEDEN, YUGOSLAVIA, GUYANA, JAMAICA, COLOMBIA, GAMBIA, UK, UAE, DENMARK, GREECE, NORWAY, MALTA, SPAIN, TANZANIA, TUNISIA, NETHERLANDS, AND PORTUGAL.

3. SPAIN SUBMITTED A PROPOSED NEW ART. 62(3) AS FOLLOWS: QUOTE PENDING AGREEMENT OR SETTLEMENT PURSUANT TO PARAGRAPH 2 OR ANY OTHER PROCEDURE, NO STATE IS ENTITLED TO EXTEND ITS EXCLUSIVE ECONOMIC ZONE BEYOND THE MEDIAN OR EQUIDISTANCE LINE. UNQUOTE SPANISH AMENDMENT (OR GENEVA SNT PROVISION WHICH IS SIMILAR) WAS SUPPORTED BY CHILE, CYPRUS, CUBA, NETHERLANDS, SWEDEN, YUGOSLAVIA, GUYANA, COLOMBIA, UAE, GREECE, NORWAY, MALTA, TANZANIA, JAMAICA, UK, DENMARK, JAPAN, BELGIUM, SAUDI ARABIA, AND PORTUGAL.

4. STATES SUPPORTING EXISTING RSNT (PARAS. 1 AND 3) WERE VENEQUELA, PAPAU NEW GUINEA, FRANCE, RUMANIA, POLAND, PORTUGAL, ARGENTINA, ALGERIA, SENEGAL, PAKISTAN, FRG, USSR (DELETE PARA. 2, ART 62), BELGIUM (EXCEPT PARA. 3), MOROCCO, IRELAND, SAUDI ARABIA (EXCEPT PARA. 3), IRAQ, CAMEROON (EXCEPT PARA. 3), ROK, YEMEN, NIGERIA, CONGO, LIBYA, AND MARUITANIA AND MADAGASCAR. PORTUGAL ADDITIONALLY PROPOSED AN ALTERNATIVE FOR ART. 62(3): ".3. PENDING AGREEMENT OR FINAL SETTLEMENT AND IF THE PARTIES FAIL TO REACH AGREEMENT OR A PROVISION OR ARRANGEMENT, THERE SHALL BE NO CHANGE IN EXERCISE OF RIGHTS IN THE AREA UNDER DISPUTE."

5. TURKEY AND GREECE MADE LOW KEY INTERVENTIONS ON OPPOSITE SIDES OF THE ARGUMENT. TURKEY, FOR THE FIRST TIME, EXPLICITLY SUPPORTED ART. 62 AND 71. THEY ALSO SUPPORTED BRINGING ART. 14 MORE INTO LINE WITH ARTICLES 62 AND 71 (SUPPORTED BY ARGENTINA, PAPAU NEW GUINEA, FRG, IRAQ). TURKEY'S UNCLASSIFIED

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AMENDMENT TO ART. 128 (TO BECOME ART. 128(4) ON THE REGIME OF ISLANDS WAS SUPPORTED BY IRELAND, ROMANIA, MADAGASCAR, ALGERIA, LIBYA, AND NIGERIA. GREECE AND IRAQ OPPOSED TURKISH PROPOSAL FOR NEW PARAGRAPH IN ART. 128. TEXT OF TURKISH PROPOSAL IS AS FOLLOWS: QUOTE 4- THE PROVISIONS OF THIS ARTICLE ARE WITHOUT PREJUDICE TO ARTICLES 14, 62 AND 71 OF THE DELIMITATION OF MARINE AREAS BETWEEN ADJACENT AND OPPOSITE STATES. UNQUOTE

6. GAMBIA PROPOSED ADDITION AT THE END OF CANADIAN AMENDMENT AS FOLLOWS: "...OR ANY SPECIFIC METHOD OF DELIMITATION AGREED UPON BY THE STATES CONCERNED."

7. THE CHAIRMAN STATED HIS INTENTION TO ESTABLISH A SMALL CONSULTING GROUP ON SUBJECT,ALTHOUGH IT IS NOT CLEAR WHEN AND IF GROUP WOULD MEET THIS SESSION. U.S. PRIVATELY REQUESTED MEMBERSHIP IN GROUP.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, CONTINENTAL SHELF, COMMITTEES
Control Number: n/a
Copy: SINGLE
Draft Date: 13 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USUNN03693
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760345-0450
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760965/aaaacdlu.tel
Line Count: 125
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: vandyklc
Review Comment: n/a
Review Content Flags:
Review Date: 19 FEB 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 FEB 2004 by MaustMC>; APPROVED <26 AUG 2004 by vandyklc>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: COMMITTEE II - INFORMAL NEGOTIATING GROUP ON DELIMITATION OF THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, AND CONTINENTAL SHELF BETWEEN ADJACENT AND OPPOSIT
TAGS: PLOS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006